

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

23-CR-80219-AMC

UNITED STATES OF AMERICA

v.

MICHAEL GORDON DOUGLAS,

Defendant,

MOTION FOR LEAVE TO WITHDRAW AS COUNSEL

COMES NOW, John D. Kirby, counsel of record for Michael Gordon Douglas in the above-captioned case, and respectfully moves this Honorable Court for leave to withdraw as counsel pursuant to S.D. Fla. Local Rule 11.1(d)(3)] and states as follows:

1. Representation: The undersigned counsel has represented Michael Gordon Douglas in this matter since February 16, 2024 (DE 14).
2. Grounds for Withdrawal:
 - a. Client refuses to follow legal advice on material matters;
 - b. Fundamental disagreement over case strategy that compromises effective representation;
 - c. Breakdown in attorney-client relationship that prevents zealous representation;
 - d. Counsel has encountered irreconcilable differences with the client regarding the strategy and scope of representation, making continued representation untenable. In the face of overwhelming evidence, the client insists on going to trial. After careful review of the evidence, there is no possible defense for the charges client faces, and a finding of guilt will most likely result in a life sentence;
 - e. These Irreconcilable differences have arisen between counsel and the client regarding the handling of this case, making continued representation unreasonably difficult;
 - f. I feel it is unethical to represent a client at trial when there is no defense

- to the charges and the resulting guilty verdict will potentially result in a life in prison sentence.
3. Compliance with Local Rules: The undersigned counsel has complied with all applicable rules regarding withdrawal, including providing notice to Michael Gordon Douglas and advising him of the need to obtain substitute counsel.
 4. Notification to Client: A copy of this motion has been sent to Michael Gordon Douglas at his last known address certified mail on December 13, 2024.
 5. No Prejudice to client: The undersigned counsel respectfully submits that the withdrawal will not result in any prejudice to the clients.

WHEREFORE, in light of the fact that the attorney client relationship has at this point completely broken down. Such that the client refuses to meaningfully discuss the merits of the case and that I believe the relationship has broken down to the extent the client, Mr. Douglas has asked for new counsel. Mr. Douglas would have a meritorious Habeas claim were I to remain as his attorney against his wishes.

Therefore the undersigned counsel respectfully requests that this Court enter an order:

- a) Granting this Motion for Leave to Withdraw as Counsel;
- b) Relieving the undersigned from any further responsibility in this matter; and
- c) Granting such other and further relief as the Court deems just and proper.

Dated this 13th day of December 2024

Respectfully submitted,

s/John D. Kirby
401 W. A Street, Suite 1150
San Diego, CA 92101
619-557-010
CA Bar No. 149496
619-557-0100
jkirby@johnkirbylaw.com
Attorneys for Michael Gordon Douglas

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Defendant's Motion to Withdraw has been furnished by Electronic Delivery using CM/ECF and to Assistant United States Attorney Gregory Schiller, Esq. at Gregory.schiller@usdoj.gov and to John R. Howes, Esq. at FloridaLawyer@outlook.com this 13th day of December 2024.

s/John D. Kirby